

Appl. No. 10/661,730  
Atty. Docket No. 8717MC  
Amdt. dated April 5, 2005  
Reply to Office Action of March 15, 2005  
Customer No. 27752

### REMARKS

Claims 1-8 are pending in the present application. No new Claims fee is due.

The specification has been amended to update the status of the parent application.

Claims 4 has been amended to correct a typographical error wherein the incorrect name was inserted for the claimed compound.

Claims 5-8 have been amended to particularly point out and to distinctly claim the subject matter of the present invention.

#### Rejection under 35 USC §112

The Examiner has rejected Claim 4 under 35 USC §112, second paragraph, for being indefinite as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment to Claim 4 obviates the Examiner's rejection.

The Examiner has rejected Claim 8 under 35 USC §112, second paragraph, for being indefinite as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment to Claim 8 obviates the Examiner's rejection.

The Examiner has rejected Claims 5-8 under 35 USC §112, first paragraph, because the specification, while enabling for treating rheumatoid arthritis, does not reasonably provide enablement for treating osteoarthritis, diabetes, or any other disease state.

The Examiner is incorrect in his rejection, however, solely for the purposes of expediting allowance of the present claims. Claims 5-8 have been amended such to obviate the Examiner's rejection.

Reconsideration and withdrawal of the rejection of the claims under 35 USC §112 is therefore respectfully requested.

#### Obviousness-type Double Patenting

The Examiner has rejected Claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 33 of US 6,730,668.

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The Examiner has rejected Claims 2 and 4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 36 of US 6,730,668.

The Examiner has rejected Claims 2 and 4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 13 of Application Serial No. 10/689,388.

Applicants submit together with this response a Terminal Disclaimer over US 6,730,668 and Application Serial No. 10/689,388. The Examiner is respectfully requested to withdraw the obviousness-type double patenting rejection.

#### CONCLUSION

Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 1-8, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned agent to discuss any remaining issues.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By

Signature

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